

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)	
DTE ELECTRIC COMPANY)	
for approval of its amended energy optimization)	Case No. U-17762
plan filed pursuant to the provisions of Public Act 295)	
of 2008.)	
_____)	

At the September 15, 2017 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Norman J. Saari, Commissioner
Hon. Rachael A. Eubanks, Commissioner

ORDER APPROVING SETTLEMENT AGREEMENT

On May 10, 2017, DTE Electric Company (DTE Electric) filed an application, with supporting testimony and exhibits, requesting Commission approval of an amended energy optimization plan (EOP)¹ and authority to implement EOP surcharges.

A prehearing conference was held on June 15, 2017, before Administrative Law Judge Martin D. Snider. DTE Electric, the Commission Staff, the Association of Businesses Advocating Tariff Equity, the Natural Resources Defense Council, the Residential Customer Group, and the Environmental Law & Policy Center participated in the proceedings. Subsequently, the parties submitted a settlement agreement resolving all issues in the case.

¹ Energy optimization is now energy waste reduction (EWR), and approved EOPs continue as EWR plans. MCL 460.1071(2).

According to the terms of the settlement agreement, attached as Exhibit A, the parties agree that the Commission should approve the continuation of all aspects of the EOP portfolio of programs approved by the Commission in the June 3, 2015 order in Case No. U-17762 (June 3 order) as EWR programs. The parties also agree that DTE Electric should continue to collect the surcharges approved in the June 3 order, as set forth in Attachment A to the settlement agreement, until new surcharges are approved.

The parties also agree that the earned 2017 performance incentive financial award should be calculated based on the prorated performance metric and metric weightings contained in Attachment B to the settlement agreement. The parties agree that the 2017 financial incentive will be based on annual lifetime energy savings, and the company will not use market transformation multipliers to calculate lifetime energy savings to demonstrate achievement of the financial award. Additionally, the parties agree that eligibility for the financial award is determined first by demonstrating achievement of the annual incremental energy savings established in Section 75 of 2016 PA 342.

The Commission finds that the settlement agreement is reasonable and in the public interest, and should be approved.

THEREFORE, IT IS ORDERED that:

- A. The settlement agreement, attached as Exhibit A, is approved.
- B. DTE Electric Company is authorized to continue the surcharges set forth in the tariff sheets attached as Attachment A to the settlement agreement until new surcharges are approved.
- C. Thirty days prior to implementing the approved surcharges, DTE Electric Company shall file tariff sheets substantially similar to those contained in Attachment A to the settlement agreement unless that tariff is superseded by further Commission order.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, under MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel.

Electronic notifications should be sent to the Executive Secretary at mpscedockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungp1@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

Norman J. Saari, Commissioner

Rachael A. Eubanks, Commissioner

By its action of September 15, 2017.

Kavita Kale, Executive Secretary

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of DTE Electric Company's)	
Application for Approval of its Amended)	Case No. U-17762
Energy Optimization Plan filed pursuant to)	(Paperless e-file)
<u>the provisions of Public Act 295 of 2008</u>)	

STIPULATION AND SETTLEMENT AGREEMENT

Pursuant to Section 78 of the Administrative Procedures Act of 1969 ("APA"), as amended, MCL 24.278 and Rule 431 of the Rules of Practice and Procedure before the Michigan Public Service Commission ("MPSC" or "Commission"), the undersigned parties agree to settle all matters before the Commission in the above captioned case as follows:

1. This Stipulation and Settlement Agreement ("Settlement Agreement") between DTE Electric Company ("DTE"), the Association of Businesses Advocating Tariff Equity ("ABATE"), Natural Resources Defense Council ("NRDC"), the Residential Customer Group ("RCG"), the Environmental Law and Policy Center ("ELPC"), and the Michigan Public Service Commission Staff ("Staff"), (collectively, the "Parties") is intended by the Parties as a final settlement and satisfaction of all issues before the Commission in the 2017 Amended Energy Waste Reduction Plan ("2017 Amended EWR Plan") filed in Case No. U-17762 on May 10, 2017.

2. On June 3, 2015 the Commission issued an Order in Case No. U-17762 approving DTE Electric's Amended EO Plan for 2016 and 2017. On December 21, 2016 new legislation was enacted amending certain provisions of Act 295 and adding other new provisions to Act 295. These new provisions became effective on April 20, 2017. Section 75; MCL 460.1075 establishes new benchmarks that must be achieved in order for the Commission to authorize a financial incentive for the electric utility. As a result of the statutory amendments, and a March 28 Order in which

the Commission acknowledged the need to amend currently approved EO plans to reflect new statutory provisions, DTE Electric filed its Application and supporting testimony and exhibits in this case on May 10, 2017.

3. In its Application and supporting testimony and exhibits, DTE Electric explained that it is seeking Commission approval to update the Company Performance Incentive Mechanism to reflect the new provisions of Section 75, and to authorize continuation of the existing approved Energy Waste Reduction (“EWR”) surcharges until such time as they are modified by Commission order in the Company’s 2016 EWR reconciliation case, Case No. U-18332 and/or ultimately replaced by new surcharges approved by the Commission in DTE Electric’s 2018-2019 EWR biennial plan in Case No. U-18262.

4. On July 14, 2017, NRDC filed its testimony and exhibits in this case. None of the other parties filed testimony.

5. On June 15, 2017 after proper notice was published, a prehearing conference was conducted at which a procedural schedule was adopted that provided the opportunity for the parties to consider settlement of this matter. In order to efficiently resolve the matter, the Parties have either agreed to enter into a full settlement of this case or to not object to the terms of the Settlement Agreement and support issuance of a Commission order approving the Company’s 2017 Amended EWR Plan as modified in this Settlement Agreement:

6. The Parties agree that DTE Electric will continue to do all of the following, until the Commission approves a new EWR Plan for 2018 -2019 in its order in Case No. U-18262:

- a. Provide all aspects of the EWR Plan portfolio of programs approved by the Commission in its June 3, 2015 Order in case No. U-17762 which includes, the

implementation contractors and the plan for administering and managing EWR programs.

- b. Performance relative to the Performance Incentive Mechanism will be measured on a sliding scale.
- c. Continue its approach to Education and Awareness and Pilots as approved by the Commission in its June 3, 2015 Order in Case No. U-17762.
- d. Maintain the same spending levels and spending flexibility as detailed in DTE Electric's current EWR Plan approved by the Commission in its June 3, 2015 Order in Case No. U-17762.

7. The Parties agree DTE Electric will continue to charge the 2016-2017 EWR base rates approved on June 3, 2015 in Case No. U-17762, as set forth in Attachment A to this Settlement Agreement, until new base rates are approved in Case No. U-18262.

8. The Parties also agree that, for purposes of settlement of this proceeding, the earned 2017 EWR Performance Incentive Mechanism ("PIM") financial awards should be calculated based on the prorated performance metric and metric weightings contained in Attachment B to this Settlement Agreement. The parties agree that the 2017 EWR PIM will be based on annual lifetime energy savings, and the Company will not use market transformation multipliers to calculate lifetime energy savings to demonstrate achievement of the financial awards. Additionally, the parties agree that eligibility of the financial awards is determined first by demonstrating achievement of the annual incremental energy savings thresholds established in Section 75 of Public Act 342 of 2016 ("Public Act 342").

9. The parties agree that this Settlement Agreement is intended to resolve all issues in this 2017 Amended EWR Plan proceeding. Further, the Parties request that the Commission

issue its order approving this Settlement Agreement as expeditiously as soon as reasonably possible.

10. This Settlement Agreement is entered into for the sole and express purpose of reaching a compromise among the Parties. All offers of settlement and discussions relating to this Settlement Agreement are considered privileged under MRE 408. If the Commission approves this Settlement Agreement without modification, neither the Parties to this settlement nor the Commission shall make any reference to, or use this Settlement Agreement or the order approving it, as a reason, authority, rationale, or example for taking any action or position or making any subsequent decision in any other case or proceeding; provided however, such references may be made to enforce or implement the terms of the Settlement Agreement and the order approving it.

11. This Settlement Agreement is not severable. Each provision of this Settlement Agreement is dependent upon all other provisions of this Settlement Agreement. Failure to comply with any provision of this Settlement Agreement constitutes failure to comply with the entire Settlement Agreement. If the Commission rejects or modifies this Settlement Agreement, this Settlement Agreement shall be deemed to be withdrawn, and shall not constitute any part of the record in this proceeding or be used for any other purpose, and shall not operate to prejudice the pre-negotiation positions of any party.

12. This Settlement Agreement is reasonable and in the public interest, and will reduce the time and expense of the Commission, its Staff, and the Parties.

13. The Parties agree to waive Section 81 of 1969 PA 306 (MCL 24.281), as it applies to the issues in this proceeding, if the Commission approves this Settlement Agreement without modification.

14. This Settlement Agreement may be executed in any number of counterparts, each considered an original, and all counterparts that are executed shall have the same effect as if they were the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be duly executed by their respective duly authorized officers as of the date first written below.

DTE ELECTRIC COMPANY

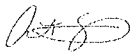
By: Richard P. Middleton
Print: Richard P. Middleton

Digitally signed by Richard P. Middleton
DN: cn=Richard P. Middleton, o=DTE Energy Company,
ou=General Counsel Organization,
email=rthad.middleten@dteenergy.com, c=US
Date: 2017.08.03 17:09:14 -0400

Dated: August 3, 2017

Its: Attorney
Richard P. Middleton (P41278)
DTE Electric Company

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

By: 
Print: Amit T. Singh

Dated: August 9, 2017

Its: Attorney
Amit T. Singh (P75492)
Assistant Attorney General

ENVIRONMENTAL LAW & POLICY CENTER

By: _____
Print: Margrethe Kearney

Dated: _____, 2017

Its: Attorney
Margrethe Kearney (P80402)
Environmental Law & Policy Center

RESIDENTIAL CUSTOMER GROUP

By: _____
Print: Don L. Keskey

Dated: _____, 2017

Its: Attorney
Don L. Keskey (P23003)
Public Law Resource Center PLLC

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DTE ELECTRIC COMPANY

By: Richard P. Middleton
Digitally signed by Richard P. Middleton
DN: cn=Richard P. Middleton, o=DTE Energy Company,
ou=General Counsel Organization,
email=richard.middleton@dteenergy.com, c=US
Date: 2017.08.03 17:29:14 -0400
Print: Richard P. Middleton

Dated: August 3, 2017

Its: Attorney
Richard P. Middleton (P41278)
DTE Electric Company

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

By: _____
Print: Amit T. Singh

Dated: _____, 2017

Its: Attorney
Amit T. Singh (P75492)
Assistant Attorney General

ENVIRONMENTAL LAW & POLICY CENTER

By: Margrethe K. Kearney
Print: Margrethe Kearney

Dated: _____, 2017

Its: Attorney
Margrethe Kearney (P80402)
Environmental Law & Policy Center

RESIDENTIAL CUSTOMER GROUP

By: _____
Print: Don L. Keskey

Dated: _____, 2017

Its: Attorney
Don L. Keskey (P23003)
Public Law Resource Center PLLC

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IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be duly executed by their respective duly authorized officers as of the date first written below.

DTE ELECTRIC COMPANY

By: Richard P. Middleton
Print: Richard P. Middleton

Digitally signed by Richard P. Middleton
DN: cn=Richard P. Middleton, o=DTE Energy Company,
ou=General Counsel Organization,
email=richard.middleton@dteenergy.com, c=US
Date: 2017.08.03 17:09:14 -0500

Dated: August 3, 2017

Its: Attorney
Richard P. Middleton (P41278)
DTE Electric Company

MICHIGAN PUBLIC SERVICE COMMISSION STAFF

By: _____
Print: Amit T. Singh

Dated: _____, 2017

Its: Attorney
Amit T. Singh (P75492)
Assistant Attorney General

ENVIRONMENTAL LAW & POLICY CENTER

By: _____
Print: Margrethe Kearney

Dated: _____, 2017

Its: Attorney
Margrethe Kearney (P80402)
Environmental Law & Policy Center

RESIDENTIAL CUSTOMER GROUP

By: Don L. Keskey
Print: Don L. Keskey

Dated: August 4, 2017

Its: Attorney
Don L. Keskey (P23003)
Public Law Resource Center PLLC

ASSOCIATION OF BUSINESS ADVOCATING TARIFF EQUITY

By: Sean P.
Gallagher
Print: Sean P. Gallagher

Dated: August 8, 2017

Its: Attorney
Sean P. Gallagher (P73108)
Clark Hill PLC

NATURAL RESOURCES DEFENSE COUNSEL

By: _____
Print: Christopher M. Bzdok

Dated: _____, 2017

Its: Attorney
Christopher M. Bzdok (P53094)
Olson, Bzdok & Howard

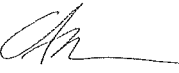
ASSOCIATION OF BUSINESS ADVOCATING TARIFF EQUITY

By: _____
Print: Sean P. Gallagher

Dated: _____, 2017

Its: Attorney
Sean P. Gallagher (P73108)
Clark Hill PLC

NATURAL RESOURCES DEFENSE COUNSEL

By:  _____
Print: Christopher M. Bzdok

Digitally signed by Christopher M. Bzdok
DN: cn=Christopher M. Bzdok, o=Olson Bzdok
& Howard, P.C., ou, email=chris@enzlaw.com,
c=US
Date: 2017.08.03 18:27:50 -0400

Dated: 08-03-17, 2017

Its: Attorney
Christopher M. Bzdok (P53094)
Olson, Bzdok & Howard

M.P.S.C. No. 1 - Electric
DTE Electric Company
(Update EOS)

_____ Revised Sheet No. C-68.00
Cancels _____ Revised Sheet No. C-68.00

(Continued from Sheet No. C-67.00)

C9 SURCHARGES AND CREDITS APPLICABLE TO DELIVERY SERVICE (Contd.)

C9.6 Energy Optimization Surcharge (EOS)

On June 2, 2009, in Case No. U-15806, the MPSC authorized the implementation of an Energy Optimization Surcharge (EOS) for electric customers in accordance with the Clean, Renewable, and Energy Efficiency Act, PA295 of 2008. The EOS will be used to fund energy efficiency programs for DTE Electric customers. The *Order* approved by the MPSC on _____, 2017 in *Amended* Case No. *U-17762 extended the EOS rates to* be effective beginning with bills rendered in January *2018*. The EOS for all residential customers is *\$0.002932* per kWh. The EOS for all metered Commercial, Industrial, and Governmental customers is a per meter, per month charge which is based on the total monthly energy consumption by rate as shown in the table below.

<u>Voltage</u>	<u>Monthly Consumption</u>	Customers Without Self Directed Plans Energy Optimization <u>Surcharge</u>	Customers With Self Directed Plans Energy Optimization <u>Surcharge</u>
Secondary	0 – 850 kWh	\$1.05/meter/month	\$0.10/meter/month
Secondary	851 – 1,650 kWh	\$6.27/meter/month	\$0.57/meter/month
Secondary	Above 1,650 kWh	\$26.45/meter/month	\$2.53/meter/month
Primary	0 – 11,500 kWh	\$37.20/meter/month	\$4.20/meter/month
Primary	Above 11,500 kWh	\$382.25/meter/month	\$42.05/meter/month

C9.7.6 HOLD FOR FUTURE USE

(Continued on Sheet No. C-69.00)

Issued _____, 2017
D. M. Stanczak
Vice President
Regulatory Affairs

Detroit, Michigan

Effective for bills rendered on
and after January 1, 2018

Issued under authority of the
Michigan Public Service Commission
dated _____, 2017
in Case No. U-17762

M.P.S.C. No. 1 - Electric
DTE Electric Company
(Update EOS)

Revised Sheet No. C-70.00
Cancels Revised Sheet No. C-70.00

(Continued from Sheet No. C-69.00)

SURCHARGES AND CREDITS APPLICABLE TO DELIVERY SERVICE: (Contd.)

C9.8 Summary of Surcharges and Credits: Summary of surcharges and credits, pursuant to sub-rules C9.1, C9.2, C9.6, C9.7.9, C9.7.10, and C9.7.11 of this rule. Cents per kilowatthour or percent of base bill, unless otherwise noted.

	<u>NS</u> ¢/kWh	<u>EOS(1)</u> ¢/kWh	<u>Total Delivery</u> <u>Surcharges</u> ¢/kWh	<u>LIEAF Factor</u> \$/Billing Meter
Residential				
D1 Residential	0.0728	0.2932	0.3660¢	\$0.96
D1.1 Int. Space Conditioning	0.0728	0.2932	0.3660¢	N/A
D1.2 Time of Day	0.0728	0.2932	0.3660¢	\$0.96
D1.6 Special Low Income Pilot	0.0728	0.2932	0.3660¢	\$0.96
D1.7 Geothermal Time-of-Day	0.0728	0.2932	0.3660¢	N/A
D1.8 Dynamic Peak Pricing	0.0728	0.2932	0.3660¢	\$0.96
D1.9 Electric Vehicle	0.0728	0.2932	0.3660¢	N/A
D2 Space Heating	0.0728	0.2932	0.3660¢	\$0.96
D5 Wtr Htg	0.0728	0.2932	0.3660¢	N/A
D9 Outdoor Lighting	0.0728	0.2932	0.3660¢	N/A
Commercial				
D1.1 Int. Space Conditioning	0.0728	See C9.6		\$0.96
D1.7 Geothermal Time -of- day	0.0728	See C9.6		\$0.96
D1.8 Dynamic Peak Pricing	0.0728	See C9.6		\$0.96
D1.9 Electric Vehicle	0.0728	See C9.6		\$0.96
D3 General Service	0.0728	See C9.6		\$0.96
D3.1 Unmetered	0.0728	See C9.6		N/A
D3.2 Educ. Inst.	0.0728	See C9.6		\$0.96
D3.3 Interruptible	0.0728	See C9.6		\$0.96
D4 Large General Service	0.0728	See C9.6		\$0.96
D5 Wtr Htg	0.0728	See C9.6		\$0.96
D9 Outdoor Lighting	0.0728	See C9.6		\$0.96
R3 Standby Secondary	0.0728	See C9.6		\$0.96
R7 Greenhouse Lighting	0.0728	See C9.6		\$0.96
R8 Space Conditioning	0.0728	See C9.6		\$0.96
Industrial				
D6.2 Educ. Inst.	0.0728	See C9.6		\$0.96
D8 Interruptible Primary	0.0728	See C9.6		\$0.96
D10 Schools	0.0728	See C9.6		\$0.96
D11 Primary Supply	0.0728	See C9.6		\$0.96
R1.1 Metal Melting	0.0728	See C9.6		\$0.96
R1.2 Electric Process Heating	0.0728	See C9.6		\$0.96
R3 Standby Primary	0.0728	See C9.6		\$0.96
R10 Interruptible Supply	0.0728	See C9.6		\$0.96

(Continued on Sheet No. C-71.00)

Issued _____, 2017
D. M. Stanczak
Vice President
Regulatory Affairs

Detroit, Michigan

Effective for bills rendered on
and after January 1, 2018

Issued under authority of
the Michigan Public Service Commission
dated _____, 2017
in Case No. U-17762

M.P.S.C. No. 1 - Electric
DTE Electric Company
(Update EOS)

Revised Sheet No. C-71.00
Cancels _____ Revised Sheet No. C-71.00

(Continued from Sheet No. C-70.00)

C9 SURCHARGES AND CREDITS APPLICABLE TO DELIVERY SERVICE: (Contd.)

C9.8 Summary of Surcharges and Credits (Contd.):

	<u>NS</u> <u>¢/kWh</u>	<u>EOS(1)</u> <u>¢/kWh</u>	<u>LIEAF Factor</u> <u>\$/Billing Meter</u>
Governmental			
E1	0.0728	See C9.6	N/A
E1.1 Energy	0.0728	See C9.6	\$0.96
E2 Traffic	0.0728	See C9.6	N/A
Electric			
EC2 Secondary	0.0728	See C9.6	\$0.96
EC2 Primary	0.0728	See C9.6	\$0.96
EC2	0.0728	<i>0.2932</i>	\$0.96

(Continued on Sheet No. C-72.00)

Issued September 26, 2016
D. M. Stanczak
Vice President
Regulatory Affairs

Detroit, Michigan

Effective for bills rendered on
and after January 1, 2018

Issued under authority of
the Michigan Public Service Commission
dated _____, 2017
in Case No. U-17762

(a)		(b)	(c)	(d)	(e)	(f)	(g)	(h)
			<i>Public Act 295</i> <i>January 1 - April 19</i>		<i>Public Act 342</i> <i>April 20 - December 31</i>			
Line No	Description	Source (col g)	Annual	Prorated ²	Annual	Prorated ²	Total Year End Target ⁷	Weighted Metric
1	Legislative Minimum First-Year Savings (MWh)		485,469	-	485,469	-	485,469	
2	Weighted Average Measure Life (Years) ⁸		9.58	-	9.58	-	9.58	
3	Minimum Lifetime Savings (MWh)	col (c) line 1 * col(c) line 2	4,650,797	-	4,650,797	-	4,650,797	
4	Program Cost (plan spend) ³	col (d) line 4 + col(f) line 4	\$93,199,022	\$27,832,037	\$93,199,022	\$65,366,986	\$93,199,022	
5	Target Peformance Incentive to be Earned - 18.5% ^{4,5,6}	col (d) line 5 + col(f) line 5	\$13,979,853	\$4,174,806	\$18,639,804	\$13,073,397	\$17,248,203	
DTE Electric Performance Metrics								
6	PA295 Lifetime Savings (MWh) at 1.15%		5,348,412	1,597,036	-	-		
7	PA 342 Lifetime Savings (MWh) ¹							
8	Lifetime Savings (1.000% - 1.250%)	col (d) line 6 + col(f) line 8	-	-	4,650,793	3,262,066	4,859,102	15.00%
9	Lifetime Savings (1.251% - 1.500%)	col (d) line 6 + col(f) line 9	-	-	5,818,142	4,080,845	5,677,881	16.75%
10	Lifetime Savings (>1.500%)	col (d) line 6 + col(f) line 10	-	-	6,976,655	4,893,426	6,490,461	18.50%

Notes:

(1) Electric Financial Incentive Tiers (PA 342):

- 1.00% - 1.25% Annual Savings = lower of 15% of investment or 25% of net benefit.
- 1.26% - 1.50% Annual Savings = lower of 17.5% of investment or 27.5% of net benefit.
- > 1.50% Annual Savings = lower of 20% of investment or 30% of net benefit.

(2) Public Act 295/Public Act 342 Proration Amount

109 days in 2017 for PA295 (4/19/2017)	29.86%
256 days in 2017 for PA342	70.14%

(3) Annual spend is unchanged from Case No. U-17762, Exhibit A-8, Page 1 of 2, col (c), line 1

(4) Col (c) line 5 is 15% of plan spend per Case No. U-17762, Exhibit A-8, Page 1 of 2, col (c), line 6

(5) Col (e) line 5 is 20% of plan spend in col (e) line 2 for Peformance Incentive Under PA342

(6) Total Target Performance Incentive in col (g) line 5 represents 18.5% of plan spend in col (g) line 4

(7) The Company has until December 31, 2017 to complete the performance metrics in col (g), line 8 through 10

(8) Weighted Average Measure Life is unchanged from Case No. U-17762, Exhibit A-8, Page 1 of 2, col (c), line 2